

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

HATTIE MOORE

PLAINTIFF

VS.

Case No. 2:05cv2200-KS-MP

THOMAS PRINE, Individually and as
Superintendent of the Jones County School
District and JONES COUNTY SCHOOL DISTRICT

DEFENDANTS

ORDER DENYING MOTION FOR SANCTIONS

THIS MATTER is before the court pursuant to the Motion for Sanctions [8] filed by the defendants wherein they request their costs and fees associated with the defense of this action. The court having considered the motion finds that it should be DENIED.

While the defendants' motion clearly has some merit, sanctions are to be imposed sparingly, and given the plaintiff's limited understanding of court procedure and process, the court, in its discretion, finds that sanctions are not appropriate and declines to impose same. Moreover, "[the imposition of a sanction without a prior warning is generally to be avoided." *Moody v. Baker*, 857 F.2d 256, 258 (5th Cir. 1988) *cert. denied*, 488 U.S. 985, 109 S.C. 540, 102 L.E.D. 2d 570 (1988). **However, the plaintiff Hattie Moore is hereby cautioned and warned that future court filings involving the same facts and circumstances at issue in this case may result in the imposition of monetary or other penalties, including limiting her right to file documents with the court.**

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendants' Motion for Sanctions be, and hereby is, denied.

SO ORDERED this the 20th day of September, 2006.

s/ Michael T. Parker

United States Magistrate Judge